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Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

MALAMA MAKUA,

Plaintiff,

v.

DONALD H. RUMSFELD, et al.,

Defendants.

Civil No. 00-00813 SOM-LEK

DEFENDANTS DONALD H. RUMSFELD,
SECRETARY OF DEFENSE, AND
FRANCIS J. HARVEY'S, SECRETARY
OF THE DEPARTMENT OF THE ARMY,
FIRST SUPPLEMENTAL AND AMENDED
ANSWERS TO PLAINTIFF'S FIRST SET
OF INTERROGATORIES AND REQUESTS
FOR PRODUCTION OF DOCUMENTS;
CERTIFICATE OF SERVICE

DEFENDANTS DONALD H. RUMSFELD, SECRETARY OF DEFENSE,
AND FRANCIS J. HARVEY'S, SECRETARY OF THE
DEPARTMENT OF THE ARMY, FIRST SUPPLEMENTAL
AND AMENDED ANSWERS TO PLAINTIFF'S FIRST SET OF
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS

Pursuant to Rule 26(e) of the Federal Rules of Civil

EXHIBIT 81

units can be spread out over one or more states, drill at local armories and typically mobilize and train at active duty installations.

INTERROGATORY NO. 14: Please describe and explain fully all incidents from October 4, 2001 to the present in which units training at MMR have fired munitions that landed outside the designated target areas, including, but not limited to, the mortar round that landed outside the south fire-break road on October 18, 2001, the 50-caliber rounds that a helicopter shot at Objective Elk on October 19, 2001, and the mortar rounds that landed near the imu at Objective Elk in 2003.

RESPONSE TO INTERROGATORY NO. 14:

The United States incorporates herein by reference its prior objections set forth in its Response to Interrogatory 14 dated 16 December 2005 and supplements its Response as follows:

There were six known instances where munitions landed outside the target area at MMR during the time period from October, 2001, to October, 2004. Of these six instances, four instances involved munitions that landed outside the target area but within the training area; and two instances involved munitions that landed outside the training area.

1. October 18, 2004, instance referenced in the

Response served on December 16, 2005, involved an 81 mm mortar that landed long, approximately 25 meters north of the center firebreak road and outside the training area; causing no damage or fire.

2. The round landing near the imu by Objective Elk involved an 81 mm mortar round that landed short of the impact area, between the impact area and Objective Elk, near the edge of the road network. There was no damage to cultural sites and no fire was caused by this mortar.

3. For the October 19, 2001, instance, see prior response.

4. An 81 mm mortar landed short of the target area, approximately 5 meters north of the center firebreak road, and outside the training area. This mortar landed in a short grass area, and did not cause damage to cultural sites. Nor did this round cause a fire. A date certain cannot provided at this time because records have not been located.

5. There was an instance where an 81 mm mortar that landed short of the impact area; causing no damage or fire. The training unit involved in this instance was the Marines and occurred on/or about 8 April 2004. A date certain cannot provided at this time because records have not been located.

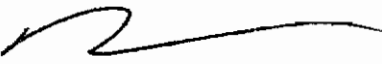
6. A 105 mm round landed long into the OB/OD area, but within the training area. There was no damage to cultural sites, nor did a fire start, as result of this round landing long. A date certain cannot provided at this time because records have not been located.

SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO.19

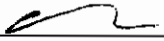
The United States incorporates herein by reference its prior objections set forth in its Response to Request for Production No. 19 dated 16 December 2005. The United States supplements its response to Request for Production No. 19 as follows:

19.A. October 2001, Final Report Historic Preservation Studies and Investigations For Firebreak Road Improvements at the U.S. Army Makua Military Reservation, Oahu Island, Hawaii (Produced on December 22, 2005).

Attorney for Objections


ROBERT M. LEWIS

Respectfully submitted this 23rd day of December, 2005

By 
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